

REMARKS

The invention is directed to a thermoplastic molding composition that contains a specified resin and a co-precipitated mixture of (i) graft polymer B.1 that is prepared by means of a redox initiation system and (ii) a graft copolymer B.2 in the preparation of which the initiation system is a persulfate compound. Other qualifications of the claimed composition are not presently relevant.

Importantly, each of B.1 and B.2 is a graft polymer, (each containing a graft base and a grafted polymerized phase of at least one vinyl monomer) that after its polymerization is mixed with its counterpart to form a mixture and the mixture then co-precipitated.

Claims 1-10 and 12-25 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,822,045 to Miyatake et al (herein Miyatake).

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619.

Miyatake disclosed a rubber modified resin that is obtained "by polymerizing a vinyl monomer in the presence of (A) a silicone rubber latex and (B) an acrylic rubber latex and during polymerization co-agglomerating polymer particles to enhance the particle size" (col. 2, line 17 et seq., also col. 11, line 25 et seq.).

Miyatake that requires the polymerization of vinyl monomers to be carried out in the presence of both rubbers cannot be seen as describing the present invention where each of the rubbers undergoes polymerization separate from the other.

Miyatake falls short of anticipating the claims at issue. Reconsideration and withdrawal of the rejection are solicited.

The rejection of the claims under 35 U.S.C. 103(a) as obvious over Miyatake is traversed.

Miyatake disclosed a rubber modified resin prepared by polymerizing a vinyl monomer in the presence of mixed rubber latex and requires co-agglomeration of the rubber particles in the mixture to take place during polymerization. The resulting graft polymer includes co-agglomerated rubber particles. The alleged superior

impact resistance of the referenced resin is attributed to the disclosed process and variations are specifically discouraged (col. 3, lines 6 et seq).


In the present invention two graft polymers are required to first be made and then, after polymerization, mixed and the resulting mixture co-precipitated.

There is nothing in Miyatake to motivate the reader to modify the disclosed procedure at all, much less to modify it in a manner resulting in the presently claimed invention.

Applicants respectfully submit that Miyatake falls short of the prima facie case of obviousness and urge withdrawal of the rejection thus based.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

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